

Applic. No. 10/627,856

Amdt. dated December 29, 2004

Reply to Office action of September 29, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-20 remain in the application.

In the first paragraph on page 4 of the Office action, claims 1, 2, 4-12, 14, 19, and 20 have been rejected as being fully anticipated by Radke (U.S. Patent No. 4,726,352) (incorrectly designated as "1726253" by the Examiner) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 20 call for, *inter alia*:

a pivot axis being disposed at a fixed position in the housing.

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Claims 1 and 20 also call for, *inter alia*:

at least one guide element guided in the guide track, the guide system guiding the door along the guide track during a pivoting movement of the door.

The Radke reference discloses a container assembly having a door (26). The door (26) includes a movable hinge shaft (38) for pivoting the door (26). The hinge shaft (38) is moveable because the shaft (38) enters into the container after the door (26) is completely horizontal. Radke discloses that glide members (44 and 45) move along tracking members (42 and 43) after the door (26) is in a completely horizontal position (Fig. 5).

Radke does not show a pivot axis being disposed at a fixed position in the housing, as recited in claims 1 and 20 of the instant application. The Radke reference discloses a hinge shaft (38) for pivoting the door (26). The hinge shaft moves into the housing after the door (26) has reached a horizontal position. Radke does not disclose that the hinge shaft (38) is disposed at a fixed position in the container. This is contrary to the invention of the instant application as claimed, in which a pivot axis is disposed at a fixed position in the housing.

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Furthermore, it is respectfully noted that the Examiner's comments in the sixth bullet on page 4 of the Office action that Radke discloses "a guide track (42); and at least one guide element (44) guided in the guide track, the guide system guiding the door along the guide track during a pivoting movement of the door;" are not accurate.

The Radke reference discloses that glide members (44 and 45) move along tracking members (42 and 43) after the door (26) is in a completely horizontal position, and not during a pivoting movement of the door. Because Radke discloses that the glide members (44 and 45) do not move until the door (26) is done pivoting and is in a horizontal position, the Examiner's comments that Radke discloses the "at least one guide element (44)" is guided in the guide track during a pivoting motion of the door, are not accurate.

Radke does not show at least one guide element guided in the guide track, the guide system guiding the door along the guide track during a pivoting movement of the door, as recited in claims 1 and 20 of the instant application. As noted above, the Radke reference discloses that the guide members (44 and 45) do not guide the door until the door is done pivoting. Radke does not disclose that guide elements are guided in a guide track during a pivoting movement of the door. This is

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contrary to the invention of the instant application as claimed, in which at least one guide element is guided in the guide track, the guide system guides the door along the guide track during a pivoting movement of the door.

In the first full paragraph on page 5 of the Office action, claims 1-10 and 15-20 have been rejected as being fully anticipated by Oshima (U.S. Patent No. 5,520,451) under 35 U.S.C. § 102.

The Oshima reference discloses a guide device for a flipper door (4) in a cabinet. The door (4) has an attachment (60) having a cylindrical portion (61) with an axis. The attachment (60) is connected to a slider (40). Oshima discloses that the flipper door (4) is rotated ninety degrees to take a horizontal posture. In the horizontal state, as shown in Figs. 1B and 2B, the flipper door (4) is pushed into the cabinet body and received in the inner space (2) of the cabinet body (column 3, lines 16-20).

Oshima does not show a pivot axis being disposed at a fixed position in the housing, as recited in claims 1 and 20 of the instant application. The Oshima reference discloses an attachment (60) having a cylindrical portion (61) with an axis for pivoting the door. The attachment (60) has a slider (40),

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which moves into the housing after the door (4) has reached a horizontal position. Oshima does not disclose that the attachment (60) having a cylindrical portion (61) with an axis for pivoting the door is disposed at a fixed position in the housing. This is contrary to the invention of the instant application as claimed, in which a pivot axis is disposed at a fixed position in the housing.

Furthermore, it is respectfully noted that the Examiner's comments in the first bullet on page 6 of the Office action that Oshima discloses "a guide track (10); and at least one guide element (29,40,61) guided in the guide track, the guide system guiding the door along the guide track during a pivoting movement of the door;" are not accurate.

The Oshima reference discloses that the attachment (60) having a cylindrical portion (61) moves in the housing after the door (4) is in a completely horizontal position, and not during a pivoting movement of the door (4). Because Oshima discloses that the attachment (60) has a slider (40) which does not move until the door (4) is done pivoting and is in a horizontal position, the Examiner's comments that Oshima discloses the "at least one guide element (29,40,61)" is guided in the guide track during a pivoting motion of the door, are not accurate.

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Oshima does not show at least one guide element guided in the guide track, the guide system guiding the door along the guide track during a pivoting movement of the door, as recited in claims 1 and 20 of the instant application. As noted above, the Oshima reference discloses that the attachment (60) having the slider (40), does not guide the door into the housing until the door is done pivoting and is completely horizontal. Oshima does not disclose that guide elements are guided in a guide track during a pivoting movement of the door. This is contrary to the invention of the instant application as claimed, in which at least one guide element is guided in the guide track, the guide system guides the door along the guide track during a pivoting movement of the door.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 20. Claims 1 and 20 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-20 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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